

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE**

PUBLIC INTEREST LITIGATION NO.156 OF 2006

Nagrik Chetna Manch ... **Petitioner**
vs.
The State of Maharashtra & Anr. ... **Respondents**

.....
Ms.Kiran Baglia i/b. Ms.Kirit Kokil, advocate for the Petitioner.
Mr.V.P.Malvankar, AGP for Respondent No.1.
Mr.Abhijit P.Kulkarni, advocate for Respondent No.2.
Mr.A.V.Anturkar, Senior Advocate i/b.Mr.Sugandh B.Deshmukh for
added party/intervener.

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**CORAM : A.S.OKA &
A.S.GADKARI, JJ.**
DATED : 21th NOVEMBER, 2014

P.C.

Today the petition is fixed for hearing as to interim relief. Rule was issued on 29th April, 2014 and ad-interim relief granted in 2007 was continued. On 13th October, 2014, this Court recorded the statement of learned Senior Counsel representing the Pune Municipal Corporation that the relevant reports have been placed by the Pune Municipal Corporation before the Standing Traffic Advisory Committee on 28th July, 2014 and the recommendations of the said Committee will be available within a period of one month. However, as of today, the recommendations are not available.

2. Today, it is stated that the subject is on the agenda of the meeting of the committee scheduled to be held on 4th December, 2014. Rule has been already issued in this petition as the issue raised is of vital

importance. If pending the petition, the Municipal Corporation is permitted to construct 100 feet wide road through the hill known as Law College Hill from Paud Road to Balbharati gate, the very object of admitting the petition will be frustrated. There is a material on record to show that the hill has been aforested. The Pune Municipal Corporation has passed a resolution for constructing the 100 ft. wide road through the said hill from Paud Road to Balbharati Gate. Thus, in effect the Municipal Corporation wants to carry on construction by cutting or pulling down the trees forming part of a green cover. Therefore, the ad-interim relief granted deserves to be continued. Accordingly, we direct that the ad-interim relief granted earlier shall operate as interim relief.

3 At this stage, the learned counsel appearing for the Pune Municipal Corporation states that in the Draft Revised Development Plan, the road subject matter in this petition has been shown. The revised development Plan is not yet sanctioned by the State Government. Therefore, the provision made in the Revised Draft is no ground to discontinue the ad-interim relief.

[A.S.GADKARI, J.]

[A.S.OKA, J.]